The
REPORTER
For Conscience' Sake

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Unemployment Increase Is Reason for Closing Colorado I-W Unit

Apparently because of pressure from the Colorado Civil Service organization and the local labor unions, the services of 32 men in the Pueblo, Colorado, I-W unit will be terminated. Rising unemployment, which has created a greater local labor pool, is given as the reason for this termination of employment. The 32 I-W men will probably be transferred to other places of employment within the next month. These men were serving as attendants, orderlies, laundrymen, janitors, etc., in the Colorado State Hospital at Pueblo.

For some time now Selective Service has been concerned about developments in the event there is no longer a labor shortage, and consequently little need for the services of I-W men. The operation of the present I-W program is regarded by Selective Service as dependent upon local labor shortages. The law cannot compel any agency or institution to hire men, even though the men are compelled by law to serve somewhere. The arrangements to hire COs are purely voluntary by employers. In the event of a labor market which is generally plentiful across the country, an interesting dilemma could occur.

An AFL union in Portland, Oregon, has filed protests that COs are taking the place of more deserving workers and were receiving lower pay than other state employees. The Oregon State Hospital superintendent replied that COs are not getting less pay, it was impossible to get other employees at the time, and that a tuberculosis ward could not have been opened without employing COs.

Brief on Second Prosecutions Presented to General Hershey

Doty Brothers and Bargen Given Second Sentences

Even though many agencies, including the National Service Board, have made repeated requests to the government to prevent the second prosecutions of COs, another formal request will have been completed by the time this reaches its readers. Recently, during an NSBRO Consultative Council interview, General Hershey granted an appointment for the presentation to him of a brief on second prosecutions. As this goes to press the appointment is scheduled for early April. The discussion of this brief with General Hershey takes on special significance at this time in view of a recent ruling. It is that all CO and ministerial cases of Selective Service law violation shall be reviewed by national headquarters before being turned over to the Justice Department for prosecution. Selective Service could prevent second prosecutions under this plan.

Second prosecutions of objectors have again come to the fore with the second sentencing of five more men. They are Eldon K. Bargen of North Newton, Kansas, and the four Doty brothers, Joel, Orin, Paul, and Sid, of Bruno, Minnesota. Previously all had been sentenced for refusing to register, and recently were re-sentenced because of new draft violations. They maintain a strong stand against the conscription system and continuously refuse to cooperate with Selective Service.

Eldon Bargen has just received a three year probationary sentence, provided he engages in work with the Mennonite Church or in some social service agency. The sentence will begin after he has completed his schooling at Bethel College this May. Judge Delmas C. Hill of Wichita, Kansas, handed down the sentence on March 16. Eldon's father, Bennie Bargen, was formerly manager of the Mennonite Press in North Newton and is now a teacher at Bethel College.

Two years ago, on April 21, 1952, Eldon was sentenced by the same judge to one year and one day of prison for refusing to register. He served about one-half of his sentence at the Springfield, Missouri, federal prison before being paroled.

The four Doty brothers were given a second sentence of two years in prison on March 5. They are out of jail on bond pending a possible retrial or an appeal. In April, 1951, Joel was sentenced to 24 months and the others to 18 months in prison. (See Nov. 1953 REPORTER.)

For a number of years the entire Doty family have protested against conscription. Mr. William Doty, the father, was imprisoned during World War I for refusing to enter the armed forces.

In the past few years, at least six other conscientious objectors were prosecuted and convicted a second time for Selective Service violations. These men and the lengths of their sentences are as follows: Robert Michener, Kansas, first sentence one year and one day, and sec-

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Current Legislation

A proposed bill in the U. S. Senate, S. 3068, would amend the Draft Law so that "men are selected for deferment or induction in accordance with both need and skill, as the national interest may require." The proposal continues, "The Congress further declares that adequate provision for national security requires maximum effort in the fields of scientific research and development, and, through the process of selection, the fullest possible utilization of the Nation's technological, scientific, and other critical manpower sources."

The Defense Department has asked Congress for legislation under which drafted doctors who refuse to answer loyalty questions could be forced to serve as enlisted personnel. This is primarily aimed at Communists, but others might also be affected.

FOUR NEW PROJECTS APPROVED

Four more projects for civilian alternate service have been approved by Selective Service. Two are connected with medical research: The National Institutes of Health, under the jurisdiction of the U. S. Department of Health, Education, and Welfare, at Bethesda, Maryland, and the Medical Nutrition Laboratory in Denver, Colorado. Others are the Brethren in Christ program in southern Rhodesia, Africa, and the Church of the Brethren project with the Navajo Indians at Lybrook, New Mexico.

Contact the Mennonitee Central Committee, Akron, Pennsylvania, about the Africa project or the two medical re-

(*Continued on page 3*)

SS Orders Files To National Office

An important order, of interest to conscientious objectors, has been sent to all local boards by General Hershey. This order states that the files of all COs or ministers who refused to report for induction must be sent to General Hershey's office for review before being turned over to the Justice Department for prosecution.

The reasons for this review of the file before the registrant is prosecuted are apparently based on recent court decisions, and come under three categories. First, certain U. S. District Courts are requesting that the FBI files be produced in court. Since the Justice Department will not do this, the registrant is frequently acquitted. It may be that, in the future, Selective Service will not recommend prosecution in those districts where an acquittal will very likely occur, but will request prosecution in other districts. (See Feb. 1954 REPORTER.)

Second, the recent Eighth Circuit Court of Appeals' decision in Jehovah's Witness Siegfried Taffs' case (see also Feb. 1954 REPORTER) states that a CO who claims that he will use force in defending his own life, property, and lives of other members of his sect, and who believes in theocratic warfare, cannot have these facts held against his claim for a CO classification. Against this background, Selective Service probably reasons that a registrant who is denied a CO classification because of these beliefs cannot always be successfully prosecuted. The government petitioned for an appeal to the Supreme Court of this Circuit Court decision, but the Supreme Court refused to grant the petition.

Third, because of a possible greater scope of review of registrant's files by courts, in view of the Supreme Court decision in the Dickinson (JW) case (see Jan. 1954 REPORTER), it is probable that not as many cases of induction refusal can be successfully prosecuted as formerly. Therefore, National Headquarters of Selective Service is ordering that the files of "delinquent" COs and ministers be sent to them for review and determination of action.

PRAIRIE VIEW HOSPITAL

Prairie View Hospital, a 40-bed mental hospital near Newton, Kansas, was dedicated on March 14. As a joint project of the Mennonite and Brethren in Christ Churches, it was built and will be operated on the principle that such service is a logical result of Christian discipleship.

Men in I-W Advised To Request Releases When Eligible

Following numerous conversations between NSBRO personnel and Selective Service officials on the subject of releases, I-W registrants are being advised to request releases when eligible.

Selective Service is now considering requests for release on the principle of accrediting service rendered prior to official local board assignment through the issuing of Form 153. This prior service must have been with agencies which were later approved for the employment of COs. Also, the service may or may not have been continuous with the assignment given by Form 153. Selective Service also will release men, without previous service, two years following the issuing of Form 153. Some agencies are advising their men to file a formal request for this release near the end of two years of I-W service, in order to facilitate their discharge with dispatch.

The following tentative proposal has been made by Selective Service concerning a method of release for men who have served 24 consecutive months in the work program: (1) Thirty days before the end of the 24 months, a notice informing of the release date will be sent by Selective Service to the registrant and his employer. (2) After completion of service, the registrant's file will be returned to his local board. (3) The local board will reclassify the registrant into I-W (Rel.) and issue a "Certificate of Release."

AMNESTY PETITION DENIED

Following a denial by a Presidential Assistant of an AFSC and CCCO petition to grant amnesty at Christmas to violators of the 1940 Selective Service Act, the *Chicago Tribune* published an editorial in favor of amnesty for COs. It commented on the AFSC petition to the President, pointed out how previous Presidents have granted such amnesty, and concluded by stating that harsh views of COs are accepted in wartime but that now the conscientious objector looks more sensible than those who pushed the nation's youth into the battlefield.

It is well known that although a blanket amnesty has not been granted, individual COs may request a Presidential pardon. Individual records and requests are the bases of granting pardon.

DAVIDSON DEFENSE COMMITTEE REQUESTS FUNDS

Vern Davidson, who refused induction in October, 1952, because he was denied a I-O classification, is appealing a District Court decision sentencing him to three years in prison. This appeal to a higher Federal Court is important because of the issues involved. The major points to be raised are a challenge of the constitutionality of the Draft Law in regard to the "Supreme Being" clause as a qualification for a conscientious objector classification, and the refusal of the FBI to produce its files in court upon request of the defendant.

Since the cost of the appeal is going to be about $1,000, a *Davidson Defense Committee* has been organized to help finance the appeal. Persons interested in contributing for the appeal should contact *David McReynolds, 132½ Ashland Ave., Ocean Park, California.*

ROBERT FISHER ACQUITTED

Another important court acquittal, based upon the refusal of the government to produce FBI files in court, is added to the growing list given in the February, 1954, REPORTER. This acquittal involves Robert Miles Fisher of Vermont, who refused induction in March, 1953.

A significant point in the case is that Fisher was acquitted before the trial on a motion by his attorneys, Winslow Osborne and Joseph Kovner. The judge was given permission to look at the FBI files (in camera), but he pointed out that the defendant, who was not allowed to see it, also should have this opportunity. The Department of Justice refused to grant this permission. Judge A. J. Connor, District of New Hampshire, gave the decision on March 16, 1954.

VARIOUS CASES

James P. Mason, of the Church of Christ in California, has been sentenced to prison for 18 months for refusing induction. . . . *Ray Junior Brewer* had his case argued before the 4th Circuit Court of Appeals by Attorneys Byron Haworth, High Point, North Carolina, and Robert Myers, Legal Counsel for the NSBRO, on March 15. Brewer had received a two-year prison sentence for refusing induction. . . . *Ronald J. Corrigan*, of California, was released from the Army by a writ of habeas corpus issued by the 9th Circuit Court of Appeals. Corrigan was taken into the Army when the officer at the Induction Center did not see him refuse induction by failing to step forward. The room was crowded and the officer refused to accept Corrigan's protests that he had not stepped forward.

WHAT THEY DO

A I-W man, serving in a general hospital, describes his duties as follows: "As an x-ray file clerk, I prepare newly developed film for reading by the doctors, mail requested films, and select and refile any films required by the doctors for any purposes."

* * *

An occupational therapist in a hospital writes: "I've been able to develop a program of therapy along my own line of interest, namely, art. I teach painting, sculpture, and ceramics to the patients. I give art appreciation lectures with slides and large color reproductions that I get from the Museum of Art. I design Christmas and Easter cards, luncheon napkins, etc., that the patients print, by the silk screen method, and which I also supervise. I have set up an art exhibit of work by patients and myself, which will be done again next fall. There are other ways in which I help in the therapy program, but basically I am developing an art program."

* * *

"My work includes caring for the inmates as well as maintaining the buildings and premises," writes a I-W working at a home for epileptics and feeble minded. "Such things as sweeping, dusting, mopping, waxing, making beds, etc., are all part of the daily or weekly schedule. Rev. ————, for whom I work, is a very capable, honest, and fair man, and it is a real blessing that I am fortunate enough to be able to work here for my two years."

* * *

"My I-W work is as a psychiatric aide at the ———— State Hospital. I work in the infirmary ward which has 48 patients, of which only 8 are bed patients. There have been 4 deaths since I came here about 4 months ago. Following is a day's procedure on Early Duty: At 7 A. M. the patients are seated in the dining hall and breakfast is served. Most are able to eat by themselves but some have to be spoon fed. After breakfast we make the beds and sweep and tidy the ward.

"Then it is dinner time and the patients are again seated and fed. After dinner we have two drills to do with the patients: Tooth Brush and Face and Hands care. At 3 P. M. we change all patients from their day clothes to night clothes. Of course, there are a few patients who will not cooperate and we have to use force at times. Also there are some baths and showers to give to some who cannot take care of themselves. The Late Duty is very similar to the Early Duty.

"The hospital itself has given us I-Ws a good rating as willing and good workers. We will try to maintain this record."

* * *

The activities of an American Friends Service Committee work camp are briefly described by a I-W assigned to it: "The aim of the project is to improve the physical make-up of the village and thereby arouse the interest of the people to want to improve their own standards. The work is of the following nature: moving houses, digging wells, making streets, and doing general all-around clean-up.

"Our relationships in the village are tops. They helped us (rather we helped them) build our palm house. They are constantly with us, helping us with our chores, and socializing. It is quite an enlightening experience living here, eating with them, and doing all the things they do."

THREE TIMES TO PRESIDENTIAL APPEAL BOARD

Probably the most involved case ever handled by the NSBRO has come to a close. John L. Hutcheson has received a III-A from his local board after the Presidential Appeal Board had three times, and the state appeal board twice, refused him a I-O classification. Furthermore, he had once refused induction, with no action being taken against him, and was classified as a I-W for several months.

More than a year ago, John was eligible for a III-A classification, but he was then refused this classification, apparently because he filed the necessary information after refusing induction. A member of the Church of the Brethren living in Ohio, he has consistently and vigorously held to his conscientious objector position. John reports that "this memorable experience has been an aid to my spiritual life. . . . What one believes is important, but it is much more important to have the courage and stand up for one's convictions and beliefs when public opinion is so strongly against one." He served with the Brethren Service Commission during much of the appeal procedure.

FOUR NEW PROJECTS

(*Continued from page 2*)

search projects. Contact the Brethren Service Commission, Elgin, Illinois, about the Navajo Indian project or medical research at the National Institutes of Health.

NOTE: As this goes to press, word was received that Upland College in California was approved.

MERTON SCOTT ELECTED NSBRO DIRECTOR ON MARCH 4

At its recent meeting on March 4, the NSBRO Board of Directors unanimously elected William Merton Scott to membership on the Board. The election of Scott was approved by the NSBRO Consultative Council later on the same day. Mr. Scott, of Richmond, Indiana, is a member of the Five Years Meeting of Friends, and has served as Executive Secretary of their Board on Peace and Social Concerns for over six years. Previously he served as a pastor in the mid-west; he also worked in the overseas relief program of the Friends. Mr. Scott's office is at 101 S. Eighth St., Richmond. He is the father of several children.

On the same day, 25 members of the Consultative Council had a one-hour interview with General Hershey, Col. Kosch and Mr. Olsen. They discussed rate of call-ups, unemployment in relation to I-W service, lowered wages to COs, discharges, CO legislation, second prosecutions, and other matters.

The Board and Consultative Council also discussed the possibilities of making a film on I-W service; appointed a committee on Board organization; accepted the resignation of Elmer Neufeld with great regret; heard staff reports; reviewed the financial outlook; heard a committee report on second prosecutions; appointed a committee to study literature to chaplains; and set Friday, September 24, as next meeting date.

SECOND PROSECUTIONS

(*Continued from page* 1)

ond sentence, 10 years. (This represented two five-year sentences for two violations which were later allowed to run concurrently, making five the total number of years to be served); Amos Brokaw, Indiana, first sentence 120 days and $100 fine and second sentence two years (Brokaw was also sentenced during World War II for walking out of CPS); Stephen Simon, Indiana, first sentence 90 days and $100 fine, and second sentence two years; Gilbert McFadden, California, first sentence three years, and second sentence five years probation; and David and Paul Seaver, brothers, Pennsylvania, first sentence 18 months, and second sentence one day.

HELP US CLEAR THE RECORD

In response to our recent appeal letter, NSBRO received several requests for REPORTER subscriptions and literature without a name and address enclosed. The postmarks on these were as follows: Caldwell, Idaho, subscription and gift; Lyndhurst-Mayfield, Ohio, subscription and gift; Brooklyn, New York, subscription; Canton, Ohio, subscription; and South Bend, Indiana, literature. If you can identify any of these requests, please send us a card with your name and address, and state the amount of money sent previously.

508-PAGE BOOK IS YOURS FOR ASKING

NSBRO has been given a number of copies of "Service for Peace," written by Melvin Gingerich. This 508-page book is a history of Mennonite CPS written by one of the outstanding contemporary Mennonite scholars. Because this work should be widely read, NSB is giving a free copy to any REPORTER reader who desires a copy, as long as the supply lasts. All that is necessary is to send your request to NSBRO, 1105 K St., N. W., Washington 5, D. C., along with 25 cents in stamps or cash to cover the cost of mailing. It is suggested you send in your request at once, before the supply is exhausted.

LOW WAGES REPORTED IN IDAHO

A recent report from responsible observers indicates that one institution in Idaho is paying $28 per month for a job which begins at 7 A. M. and ends at 10 P. M.

Selective Service reports that employment in Idaho is optional on the part of I-Ws and they have the opportunity of accepting work at prevailing wages in other states.

ROBERT YACK, I-W, KILLED

Robert Yack, a I-W from Cadillac, Michigan, was accidentally killed on March 9, 1954. Yack, a Jehovah's Witness, was employed at the Kalamazoo State Hospital and was helping to remove an old building when a beam fell on his head.

Willoughby and Lyon Serve As CO Services Secretaries

The American Friends Service Committee has announced personnel changes in its CO services section. George Willoughby has been named CO Services Secretary, succeeding George Loft; Robert Lyon will continue as CO Services Field Secretary.

Mr. Willoughby came from the Des Moines, Iowa, regional office of AFSC where he was executive secretary since 1946. Previously he was in CPS, was associated with AFSC European refugee work located in Iowa, and was head of the Social Studies Department of the State Teachers College at Silver City, New Mexico, 1942-43. For a time he served as a relocation officer with the War Relocation Authority in Denver. He is a graduate of the University of Iowa, from which he received a Ph.D. in 1942. He is forty years of age.

Mr. Lyon was born in 1921, graduated from Earlham College in 1949, and from Boston University School of Theology with a Master's degree in religious education in 1951. He was in CPS, and served as AFSC college secretary, 1946-47, as AFSC group leader in Mexico for three summers, and as executive secretary of Boston FOR regional office, 1951-52. He came to his present position in early 1953.

Both of these men are intimately acquainted with CO problems. They have helped greatly through their services on the NSBRO Consultative Council and as members of the NSBRO "Executive I-W Program Directors" committee.

HUTTERITE LEADER DEAD

An outstanding Hutterite minister, Rev. Jacob Kleinsasser, of the Miller Ranch Colony, Montana, recently died. He was well known among the Hutterites and the townspeople and did much to improve relations between them in the area of Choteau, Montana. He visited NSBRO on occasion.

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